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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/783,862   | 02/20/2004  | Kevin Ellis          | 694231/0090 JD/KCE  | 7509             |
| 32361  | 7590        | 08/18/2006           | EXAMINER            |                  |
| GREENBERG TRAURIG, LLP<br>MET LIFE BUILDING<br>200 PARK AVENUE<br>NEW YORK, NY 10166 |             |                      |                     | MAHMOUDI, HASSAN |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2165                 |                     |                  |

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/783,862             | ELLIS ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Tony Mahmoudi          | 2165                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12-22 and 27 is/are allowed.
- 6) Claim(s) 1-11 and 23-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Remarks***

1. In view of the Pre-Appeal Conference Decision mailed on 12-June-2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.
2. Claims 1-27 are presently pending in the application, of which, claims 1, 12, and 23 are presented in independent form.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 and 23-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 (and its dependents) recites the limitation of a “system”, *intended for providing an improved graphical user interface*”, *intended* for use in a “web search”. A system is generally defined as, “a functionally related group of components”.

However, the above claim comprises “a search region containing a user’s search criteria”; “a result region comprising indicia of a plurality of search categories”; and “a connection indicator *establishing* a visual connection” between the search region and one of the search

category indicia. The above regions are “data fields” containing information, and do not necessarily perform a function, and therefore, are considered to be non-functional descriptive material.

The “connection indicator” in the above claim is interpreted by the Examiner as an “appearance” that visually relates the two fields (regions) of non-descriptive functional materials. Therefore, claim 1 as a whole, is directed to non-function descriptive material which is not considered statutory under 35 U.S.C. 101.

Independent claim 23 (and its dependent claims) recite “an improved graphical user interface for search” (which is interpreted to be a “system”), comprising the same “search regions”; “result region”; and “connection indicator” as in claim 1 above. Therefore, as established in claim 1, claim 23 as a whole, is also directed to non-function descriptive material which is not considered statutory under 35 U.S.C. 101.

Appropriate corrections are required.

***Allowable Subject Matter***

5. Claims 12-22 and 27 are allowed over the prior art made of record.
  
6. The following is a statement of reasons for allowance:

The prior art made of record, including the Applicant's admitted prior art, do not disclose, teach, or suggest the claimed limitation (in combination with all other features in the claim) of a "connection indicator" visually associating a search region containing the search term with one of the search category indicia, as claimed in claim 12.

Although the Applicant's admitted prior art (instant application, figure 1) clearly shows a visual connection between search category indicia "Web" (reference 60) and the search term "berneese mountain dog" (references 38) in the section identified as "A", it does not visually associate a search region (reference 20) containing the search term (reference 30) with the search category indicia "Web" (reference 60), as claimed in claim 12.

Claims 13-22 and 27 are allowed over the prior art made of record as dependents of the allowed independent claim 12.

#### ***Response to Arguments***

7. Applicant's arguments filed in the Pre-Appeal Conference Request on 05-May-2006 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

#### ***Conclusion***

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

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June 15, 2006



JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100